

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	8:08CR95
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
JONATHAN I. STARR,	)	
	)	
Defendant.	)	

This matter is before the court on the motion to continue by the government (Filing No. 20). The motion seeks a continuance of the trial of this matter which is scheduled for August 25, 2008. Government's counsel represents an essential witness is unavailable. Government's counsel represents that Starr's counsel has no objection. Upon consideration, the motion will be granted.

**IT IS ORDERED:**

1. The motion to continue trial (Filing No. 20) is granted.
2. Trial of this matter is re-scheduled for **September 29, 2008**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **August 19, 2008 and September 29, 2008**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that an essential witness is unavailable. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(3)(A).

DATED this 19th day of August, 2008.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge